

Specification, is when from another Persons Materials a new kind of Species or Body is produced. In which case, if the new Species may be easily reduced to its first State and Condition, as a Vessel or Statue made of another's Metal, or Brass, the Property belongs to the Owner of the Substance whereof it was made; who must give a reasonable Allowance to the other for his Workmanship. He who makes a new Species becomes Master thereof, if it cannot be easily reduced to its first Condition, as when Wine is pressed from another Man's Grapes, or a Cloath made of another's Wool; or a Ship built of his Timber, the Materials used to make Payment for his Materials and cannot claim the Ship. *l. 7. §. 7. ff. de acquir. rer. dom. Junct. l. 3. §. 4. ff. de rei vind. So he who takes of another's Matter thinking it his own, make the Work by him, he was labouring belonged to another, the new Species accrues to that other. *l. 2. §. 3. ff. ad exhib. If by Consent of the Owner of the Materials the Species is made in Name of a third Person, it is his for whose Use it was intended. *l. 2. ff. de acquir. rer. dom. When the Matter is partly the Workman's, and partly by a Stranger's, the Piece of Work goes to the Artificer, without distinguishing whether it can be cast into its first State or not. *§. 25. Inst. de. rer. div. Ludwell Comm. ad d. §. 25.****

Accession, is the acquiring Right to an Accessory, by being ^{Proprietor} of the principal Thing. Accession is either natural or artificial or mixed. Natural Accession is occasioned several Ways, 1^o By Procreation which makes the Birth of Female Creatures that belong to us to be ours: According to the Rule Partus sequitur ventrem §. 19. Inst. de. rer. div. l. 6. ff. de acquir. rer. dom. l. 5. §. 2. ff. de rei vind. Because before the Young is brought forth, it is Part of the Bowels of the Female, and nourished by her while she herself procured by Alluvion, that is, the insensible Accretion of Earth to Ground bordering on a River by the Effect or Force of the Water; which belongs to the Master of the said Ground §. 20. Inst. de. rer. div. But if the Stream presently carries away a Piece of Ground, and add it to the neighbouring Soil, it belongs to the first Owner till by Length of Time they are firmly united, as when the Trees fixed in the Piece of Ground torn away spread their Roots into the other Ground, which hath the Name of Coalition §. 21. cod. The Reason of the Difference is, because in those sudden Changes, that which be-
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longs to every one may be easily distinguished; whereas in the case of an insensible Addition or Accretion of another's Ground to ours, it is uncertain whence the small imperceptible Mounds or Particles came, it doth not alter the case, that in a tract of Time the Addition is visible or considerable, if at no particular Instant it be so: As the Motion of the Hand of a Clock is insensible at any Instant, tho' discernible in much less Time than the Quarter of an Hour. 3^o Another Kind of natural Accession is occasioned by the rising of an Island in a publick River between Lands on each Side, having no certain Limits or Boundaries. Which by the Civil Law, if fixed in the Middle is common to those whose Lands lie nearest to the Bank on each Side of the River, according to the Breadth of their respective Fronts, and if nearer to one Side than to the other, accrues to Lands on that Side to which it is nearest. §. 22. Inst. de. rer. div. l. 7. §. 3. l. 29. ff. de acquir. rer. dom. l. 1. §. 6. ff. de flumin. Because such an island start up, the land seems either to be pluck'd off the Banks of the adjacent Lands, or to have risen out of the Channel of the River, which, as it was a Part of these Lands, was publick while covered with the River. But if a River make an Island by dividing its Course, and afterwards uniting its Streams, that Island remains proper to the first Owner. l. 30. §. 2. ff. de acquir. rer. dom. 4^o Where a River forsaketh its natural Channel, and gains a new one upon the Lands of another, the old Channel falls to be divided betwixt the adjacent Lands (if not bounded and limited) in the same Manner as an Island rising in a publick River, and the new Channel becomes publick as the River. For tho' the River shall after some Time return to its old Course, the new Channel is also to be divided among the Owners of the adjacent grounds, as the old one was, §. 23. Inst. de. rer. div. But if the River suddenly return to its former Course the new Channel ought to be restored to the Owner. l. 7. §. 5. 6. l. 30. §. 3. ff. de acquir. rer. dom. Ludwell Comm. ad §. 23. Inst. de. rer. div. As in the case of a short Foundation which after it hath gone off doth not alter the Property of the Ground it covered §. 24. Inst. cod.

Artificial Accession, is the adding one Person's Thing to another, in which case that which is added for the sake of the other, as Ornament upon a Garment, or in cubra, that which is of less Value, is reputed accessory, and follows the Principal: So as the Owner of the former must yield up the Possession to the Proprietor of the latter, tho' he knowingly and dishonestly contrived the Addition of the other's goods to his own. Because we do not here use Specification, consider the Person who joined them, but only the Materials it liable for Recompence in so far as he is a Gainer to the former Owner and to repair his Damage, in estimating whereof the Manner of the Accession is considered. For if the Materials of others were made use of bona fide, the ordinary Value is only due; and if used mala fide, the